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17 IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
18 WESTERN DIVISION

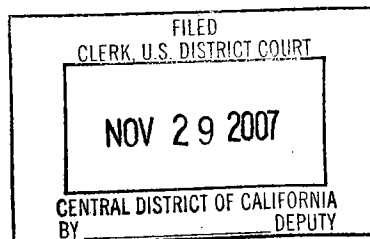
19 UNITED STATES OF AMERICA and CALIFORNIA  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

20 Plaintiffs,

21 v.

22 Creftcon Industries; Environmental Lighting for  
Architecture, Inc.; E.W. Smith Chemical Company;  
23 Exide Technologies, Inc. (GNB Batteries, Inc.); Great  
Lakes Chemical Corporation (successor to Hydrotech  
24 Chemical Corp.); Thatcher Company of California (f/k/a  
Commerce Chemical Company); Lawrence S. Gray, Sr.  
25 Trust UDT 71180; Lawrence S. Gray, Jr. Separate  
Property Trust; Macklanburg-Duncan Company of  
26 California, Inc.; Pneumo Abex LLC (successor to Jensen  
Kelly Corporation); Oltmans Construction Co.; Oltmans  
27 Investment Company LLC; Moloney Investment Co.;  
The Hannah Co.; The Ramser Family Trust, Dated  
28 September 18, 1989; the Philip S. Ramser Family Trust,  
Dated June 29, 1989; Textron, Inc.; Trio Metal Stamping,  
Inc.; Tropicana Products, Inc.; Yort, Inc. (f/k/a Troy  
Lighting, Inc., successor to Trakliting, Inc.) and JJI  
Lighting Group, Inc.

Defendants.



CV07-07812 FMC

(MANx)

Civil Action No.  
COMPLAINT

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COMPLAINT

The United States of America, by and through the undersigned attorneys, by authority of the Attorney General and at the request of and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"); and the California Department of Toxic Substances Control ("DTSC"), hereby jointly allege as follows:

STATEMENT OF THE CASE

1. This is a civil action brought under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. § 6973, relating to releases and threatened releases of hazardous substances at the Puente Valley Operable Unit of the San Gabriel Valley Superfund Site, Area 4, Los Angeles County, California (the "Site"), that may present an imminent and substantial endangerment to health or welfare or the environment.

2. Plaintiffs seek: (a) performance of certain response actions by Defendants at the Site, consistent with the national contingency plan, 40 C.F.R. Part 300 (as amended); (b) reimbursement of certain costs incurred and to be incurred by EPA, the United States Department of Justice ("DOJ") (hereinafter

1 collectively referred to as the "United States"), and DTSC, including accrued  
2 interest, for response actions at the Site, pursuant to CERCLA; and (c) performance  
3 of certain actions necessary to alleviate the imminent and substantial endangerment  
4 to health or the environment relative to the release and/or threatened release of solid  
5 and/or hazardous wastes at the Site, pursuant to RCRA.  
6

### 7 JURISDICTION AND VENUE

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9  
10 3. This Court has jurisdiction over the subject matter of this action and  
11 over Defendants pursuant to 28 U.S.C. §§ 1331 and 1345, 42 U.S.C. § 6973(a), and  
12 42 U.S.C. §§ 9606 and 9613(b).  
13

14 4. Venue is proper in this District pursuant to 42 U.S.C. §§ 9606(a) and  
15 9613(b), 42 U.S.C. § 6973, and 28 U.S.C. § 1391, because the claims arose and the  
16 threatened and actual releases of hazardous substances occurred in the Western  
17 Division of the Central District of California.  
18  
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### 20 DEFENDANTS

21  
22 5. Defendants consist of a number of corporate entities: Creftcon  
23 Industries; Environmental Lighting for Architecture, Inc.; E.W. Smith Chemical  
24 Company; Exide Technologies, Inc. (GNB Batteries, Inc.); Great Lakes Chemical  
25 Corporation (successor to Hydrotech Chemical Corp.); Thatcher Company of  
26 California (f/k/a Commerce Chemical Company); Lawrence S. Gray, Sr. Trust UDT  
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1 71180; Lawrence S. Gray, Jr. Separate Property Trust; Macklanburg-Duncan  
2 Company of California, Inc.; Pneumo Abex LLC (successor to Jensen Kelly  
3 Corporation); Oltmans Construction Co.; Oltmans Investment Company LLC;  
4 Moloney Investment Co.; The Hannah Co.; The Ramser Family Trust, Dated  
5 September 18, 1989; the Philip S. Ramser Family Trust, Dated June 29, 1989;  
6 Textron, Inc.; Trio Metal Stamping, Inc; Tropicana Products, Inc.; Yort, Inc. (f/k/a  
7 Troy Lighting, Inc., successor to Trakliting, Inc.) and JJI Lighting Group, Inc.,  
8 ("Defendants" or "ECOS Parties").  
9

10  
11 6. ECOS Parties are "persons" as defined by Section 101(21) of  
12 CERCLA, 42 U.S.C. § 9601(21), and Section 1004(15) of RCRA,  
13 42 U.S.C. § 6903(15).  
14  
15  
16

#### 17 THE SITE

18  
19 7. The Puente Valley Operable Unit of the San Gabriel Valley Superfund  
20 Site, Area 4, is a geographic area of groundwater contamination located in Los  
21 Angeles County, California. Groundwater from this area is used in domestic and  
22 industrial water supply in the San Gabriel Valley. Pursuant to Section 105 of  
23 CERCLA , 42 U.S.C. § 9605, in 1984, EPA designated the Site for the National  
24 Priorities List, a list of hazardous waste sites posing the greatest threat to health,  
25 welfare, or the environment. The Site was included on the National Priorities List  
26  
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28

1 given the presence of chlorinated organic solvents throughout much of the  
2 groundwater. See 49 Fed. Reg. 19480 (1984).  
3

4 8. The Site is a "facility" within the meaning of Section 101(9) of  
5 CERCLA, 42 U.S.C. § 9601(9).  
6

7 9. Hazardous substances within the meaning of Section 101(14) of  
8 CERCLA, 42 U.S.C. § 9601(14), including, but not limited to tetrachloroethene  
9 ("PCE") and trichloroethene ("TCE"), have been found at the Site.  
10

11 10. There has been a "release" and/or threatened "release" of a hazardous  
12 substance at or from the Site, within the meaning of Section 101(22) of CERCLA,  
13 42 U.S.C. § 9601(22).  
14

15 11. In 1998, EPA issued an Interim Record of Decision requiring remedial  
16 action to contain contaminated shallow and intermediate zone groundwater from  
17 the Site at the mouth of the Puente Valley.  
18  
19

20 12. On June 14, 2005, EPA published an Explanation of Significant  
21 Differences ("ESD") for the Interim Record of Decision, pursuant to Section 117(c)  
22 of CERCLA, 42 U.S.C. § 9617(c). The ESD requires the containment and  
23 treatment of 1,4 dioxane, an additional contaminant of concern recently identified  
24 at the Site. The ESD also requires the treatment of perchlorate under certain  
25 circumstances.  
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1           13.   The United States and DTSC have incurred and continue to incur  
2  
3 response costs (including interest) in responding to releases or threatened releases  
4 of hazardous substances at the Site, which costs are not inconsistent with the  
5 national contingency plan.  
6

7                               FIRST CLAIM FOR RELIEF  
8                               PERFORMANCE OF RESPONSE ACTIONS UNDER CERCLA

9           14.   Paragraphs 1 through 13 are incorporated herein by reference.  
10

11           15.   Section 106 (a) of CERCLA, 42 U.S.C. § 9606(a), provides in  
12 pertinent part:  
13

14                       [W]hen the President determines that there may be an imminent  
15 and substantial endangerment to the public health or welfare or  
16 the environment because of an actual or threatened release of a  
17 hazardous substance from a facility, he may require the Attorney  
18 General of the United States to secure such relief as may be  
19 necessary to abate such danger or threat . . . .

20           16.   The President or his delegate has determined that the release and/or  
21 threatened release of a hazardous substance at or from the Site poses an imminent  
22 and substantial endangerment to the public health, welfare, or the environment, and  
23 that response actions are necessary to abate the danger or threat posed by the actual  
24 or threatened release of hazardous substances at or from the Site.  
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26           17.   Defendants are liable to perform response actions at the Site to abate  
27 this danger or threat, pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.  
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19. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

(2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of . . . from which there is a release, or threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for –

20. Defendants are liable as persons as they are current or former owners and/or operators (or related entities) of the facilities, from which there were releases of hazardous substances into the environment within the meaning of Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

- 7 -

1 Puente Valley Operable Unit of the San Gabriel Valley Superfund Site, Area 4.

2  
3 22. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),  
4 the United States and DTSC are entitled to a declaratory judgment that Defendants  
5 are jointly and severally liable for such future response costs that the United States  
6 and DTSC may incur in connection with the Site.  
7

8  
9 THIRD CLAIM FOR RELIEF  
10 PERFORMANCE OF RESPONSE ACTIONS UNDER RCRA

11 23. Paragraphs 1 through 13 are incorporated herein by reference.

12 24. Section 7003(a) of RCRA, 42 U.S.C. § 6973(a), provides in pertinent  
13 part:  
14

15 [U]pon receipt of evidence that the past or present handling,  
16 storage, treatment, transportation or disposal of any solid waste  
17 or hazardous waste may present an imminent or substantial  
18 endangerment to health or the environment, the Administrator  
19 may bring suit on behalf of the United States . . . against any  
20 person . . . to restrain such person from such handling, storage,  
21 treatment, transportation, or disposal, to order such person to  
22 take such other action as may be necessary, or both.

23 25. Solid and/or hazardous wastes are present at the Site as defined in  
24 Section 1004 of RCRA, 42 U.S.C. § 6903.

25 26. Defendants' handling, storage, treatment, transportation, or disposal of  
26 solid and/or hazardous waste at the Site may present an imminent and substantial  
27 endangerment to health or the environment.  
28

27. Defendants are liable for certain actions at the Site in order to abate the danger or threat to health or the environment, pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973.

## PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs, the United States and DTSC, respectfully request that this Court:

1. Order Defendants to perform response actions necessary to abate the danger or threat of a release of hazardous substances at or from the Site, pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606;

2. Enter judgment in favor of the United States and DTSC, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607, holding Defendants liable for all unreimbursed costs incurred by the United States and DTSC with respect to the Site, plus accrued interest thereon;

3. Enter a declaratory judgment on Defendants' liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages; pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2);

4. Order Defendants to take action necessary to abate the imminent and substantial endangerment to health or the environment pertaining to releases and

1 threatened releases of solid and/or hazardous waste at the Site, pursuant to Section  
2  
3 7003(a) of RCRA, 42 U.S.C. § 6973(a); and

4 5. Grant the United States and DTSC such other relief as the Court deems  
5 appropriate.  
6

7 Dated: 22 October, 2007.

8  
9 FOR THE UNITED STATES OF AMERICA

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1 Dated: 11/7/, 2007.  
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